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PATENT

Attorney Docket No.: 99.25US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cioca, et al.

Serial No.: 09/838,649

Group Art Unit: 1617

Filed: April 19, 2001

Examiner: Wells, Lauren Q.

For: Stable Antimicrobials in Structured Water

RESPONSE PURSUANT TO 37 CFR 1.114 - Introductory Comments

The Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In the Examiner's Final Office Action, of July 15, 2003, the rejection of the present claims is made final, and a new §112 rejection is presented. And, in the Advisory Action of November 4, 2003 the Examiner maintains the §112 and §103 rejections of the claims for reasons set forth in the July 15, 2003 Office Action. Applicants submit herewith a Request for Continued Examination (RCE) and maintain in the Remarks section below that a *prima facie* case of obviousness has not been made because the claims as amended are not taught or suggested by the cited references. The present invention is not, as asserted by the Examiner, a simple addition of silver to structured water; and further, as the electrostatic charges of the silver ion and any type of water may result in interactions between the two, these interactive forces do not necessarily render a cluster comprising silver ions within it when the water is a structured water. This point is further elucidated by the difference between the starting water in the cited reference and the feed water in the present invention. This point and others as they relate to the obviousness rejection of the pending claims are discussed in further detail below in the Remarks section.

Enclosed herewith is an Information Disclosure Statement for four references each of which are being submitted with the present RCE and in support of the §112 arguments below. An Information Disclosure Statement dated April 19, 2001 was previously filed. Applicants believe that no fee is due, however, if there is any fee due, please charge it to Deposit Account No. 05-1320. Applicants request that the following amendments be entered and the following remarks be considered.